

**GAO**

United States General Accounting Office  
Washington, DC 20548

17735  
Office of  
General Counsel

In Reply  
Refer to: B-196640 (DAS)

April 13, 1981

*[Request For Reconsideration]*

Mr. Lewis E. Wilkinson  
Rt. 2, Box 192  
Hayden, Alabama 35079

Dear Mr. Wilkinson:

This is in reply to your letter of December 10, 1980, requesting reconsideration of our decision B-196640, April 1, 1980, which disallowed your claim for a retroactive temporary promotion and backpay from May 18, 1972, to August 3, 1975.

We are always willing to further consider denied claims upon receipt of new evidence. However, your correspondence contains no new evidence, but merely repeats previous statements and does not furnish the basis for formal reconsideration. Previously we considered the fact that most Managers for the Taxpayer Compliance Measurement Program (TCMP) were compensated at the grade GS-12 level. However you have submitted no evidence which shows that the TCMP Program Manager was required to be classified at a grade GS-12 level. Instead the evidence suggests that some employees filling this position began at GS-11 and then were promoted to GS-12. The fact that you did receive your promotion to the GS-12 position in August 1975, does not entitle you to a retroactive promotion and backpay for the period prior to your promotion.

Accordingly, we find no basis for reconsideration of the disallowance of your claim.

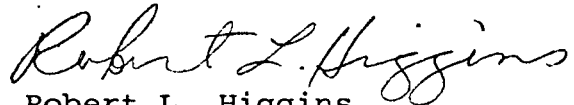


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You requested information concerning appeal rights and court actions available to you. You may file suit in the United States District Court under 28 U.S.C. § 1346(a)(2) or in the Court of Claims under 28 U.S.C. § 1491.

Sincerely yours,

A handwritten signature in cursive script that reads "Robert L. Higgins".

Robert L. Higgins  
Assistant General Counsel